

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL CATALDO,)
Petitioner,) Case No. 1:03-cv-519
v.) Honorable Wendell A. Miles
JOHN CASON,)
Respondent.)

ORDER

This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. On September 8, 2005, the Court entered an order summarily dismissing the petition and denying Petitioner a certificate of appealability (docket #88). The order of dismissal followed the Court’s *de novo* review of Petitioner’s objections to the report and recommendation of the magistrate judge. Now before the Court are Petitioner’s motions for leave to proceed *in forma pauperis* on appeal (dockets #91 and 98) and motion for certificate of appealability (docket #93).

Petitioner paid the \$255.00 appellate filing fee on November 14, 2005. Accordingly, his motions for leave to proceed *in forma pauperis* on appeal (dockets #91 and 98) are DENIED as moot. Because the Court previously denied Petitioner a certificate of appealability, his motion for a certificate of appealability (docket #93) also is DENIED.

IT IS SO ORDERED.

Dated: February 9, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge